The Attorney General — May 4, 1956

63-317-V

Director, FBI

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-30-90 BY SAI [redacted] b7C

JESUS DE GALINDEZ
MISSING PERSON-INFORMATION CONCERNING

By his memorandum of May 3, 1956, Mr. Olney for the second time questions the Bureau's judgment regarding the assumption of jurisdiction in a case under the Federal Kidnaping Act. In the cases involving the disappearance of Evelyn Hartley, Steven Dammain and now the case involving the disappearance of Dr. Jesus De Galindez, the Criminal Division has taken a position indicating that investigation under the Federal Kidnaping law by the Bureau was justified although the Bureau declined to exercise its investigativ jurisdiction.

I have no desire whatsoever to engage in a running controversy with the Criminal Division on this or any other matter. Therefore, in the future whenever the Bureau receives complaints intimating or alleging a kidnaping, the Bureau will not attempt to evaluate such cases but will henceforth refer them to the Criminal Division for its decision. I am adopting this course inasmuch as the manner in which the Bureau has functioned in handling such cases since the passage of the Federal Kidnaping Act in 1932 does not meet with the approval of the Criminal Division, although I am unaware of any substantiated factual situation which has developed during that period of time which reflected the Bureau's judgment was improper.

Should the Bureau be forced to investigate cases which the Federal Kidnaping Act clearly was not intended to cover, this, of course, will inject the Bureau into conflicts with local authorities and will place the Department in the position of assuming responsibility for the solution of crimes purely local in character where questions can be raised as to Federal usurpation of local responsibility.

Mr. Olney's memorandum of May 3, 1956, taking the position that known circumstances in the De Galindez case are "sufficient to justify an investigation by the FBI as a legally authorized matter under the authority of Section 1201, page 8, Title 18, U. S. Code," was somewhat of a surprise,

Approved by

LBN:fc (1) Messrs. B
cc - Mr. Boardman
Mr. Belmont
Mr. Rosen

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particularly since the very same facts upon which he now predicates his conclusions were furnished to the Criminal Division in a memorandum dated April 21, 1964, the original of which was addressed to the State Department.

You will recall that this was three days prior to the conference held in your office at 3:00 p. m. on Thursday, April 24, 1964, which Mr. Olney attended, wherein after the facts were considered it was concluded that in the De Galindez case outside inquiries would be answered by stating that the facts as developed to date did not bring the De Galindez case within the jurisdiction of the Department but that the FBI was keeping in close touch with the situation and prompt steps would be taken should information develop justifying Federal intervention. You will further recall that in the course of this I related the allegations pertaining to Felix Hernandez Marquez, who, according to information received, had indicated that he had been employed to assassinate De Galindez. In this connection, Marquez also has made the specific statement that he did not intend to go through with any attempt to assassinate De Galindez. I also informed you regarding the information received on April 19, 1964, from Gloria Maria Ortiz, [redacted] in Puerto Rico of unknown reliability, who was told by an unknown person that De Galindez was now in protective custody in the Dominican Republic. b

Since receiving this information from Miss Ortiz, we have made an investigation for the purpose of ascertaining the truth or falsity of her statements. Her statements have not as yet been established as fact.

With reference to Marquez, the Bureau has been conducting a very vigorous investigation seeking his location and endeavoring to develop full facts pertaining to his activities under the Foreign Agents Registration Act. To date, no information has developed indicating that Marquez abducted De Galindez other than the unsubstantiated statements of Miss Ortiz. In this connection, it is pointed out that De Galindez disappeared on March 12, 1956 and the most accurate information which we have been able to secure reflects that Marquez disappeared from Miami, Florida, on March 1, 1956. Miss Ortiz subsequently stated that he was in Mexico. Marquez has not been located to date. As you know, we have requested the Central Intelligence Agency and the State Department to make inquiries in Mexico concerning

Marquez and in the Dominican Republic pertaining to the possibility that De Galindez might be detained there. It is a fact that we are not investigating the disappearance of Dr. De Galindez as a kidnaping case. It is also a fact that there is no evidence establishing that De Galindez has been kidnaped within the meaning of the Federal Kidnaping Act. It is a further fact that we are vigorously investigating Marquez under the Foreign Agents Registration Act and our investigation includes the allegations of Miss Ortiz. The New York Police Department is vigorously investigating the disappearance of Dr. De Galindez and to date no facts have been developed reflecting an abduction.

In view of the conclusions expressed in Mr. Olney's memorandum of May 3, 1956, however, it is assumed that it is the Department's desire to undertake investigative jurisdiction in the Hartley and Damman cases as well as the De Galindez case. In view of the far-reaching ramifications and possible involvements which such action would entail, I wanted to call this to your specific attention in order that you might specifically inform the Bureau whether we are to undertake such investigations. In the event you desire us to undertake such investigations, I assume that the Department in due time will advise the Bureau as to what explanation can be made to the public for our action in entering these cases at this late date.

cc - Mr. William P. Rogers
Deputy Attorney General

Assistant Attorney General
Warren Olney III